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IMPLEMENTATION OF THE CONVENTION

CONSIDERATION OF ADDITIONAL PROCEDURES OR INSTITUTIONAL MECHANISMS TO ASSIST THE CONFERENCE OF THE PARTIES IN REGULARLY REVIEWING THE IMPLEMENTATION OF THE CONVENTION

Note by the secretariat

Addendum

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I. INTRODUCTION

1. By its decision 6/COP.3, the Conference of the Parties (COP) invited the Parties and other interested institutions and organizations, including non-governmental organizations, to submit written proposals on the need for the establishment of a committee to review the implementation of the Convention, in order to take a decision at its fourth session and, if necessary, at its fifth session on how further to develop the existing review system.

2. By its decision 3/COP.4, the Conference of the Parties decided that further proposals and suggestions of Parties and other interested institutions, having taken into account the experience and comprehensive report of the AHWG on concrete recommendations for the review of implementation of the Convention, including proposals on procedures and modalities for the establishment of a committee to review the implementation of the Convention (CRIC), be submitted through the secretariat for consideration at the fifth session of the Conference of the Parties. By the same decision, the Executive Secretary of the Convention was requested to circulate the comprehensive report of the AHWG and those proposals at least eight weeks prior to the fifth session of the Conference of the Parties.

3. Four submissions were received from Parties, namely Belgium on behalf of the European Union and its Member States, Canada, the Islamic Republic of Iran on behalf of the Group of 77 and China, and the United States of America. This note sets forth the record of the contributions received from country Parties and interest groups as of 10 August 2001, and also a summary of proposals pertaining to additional procedures or institutional mechanisms to assist the Conference of the Parties in regularly reviewing the implementation of the Convention.

II. SCOPE

4. Section I is introductory and intends to place into perspective the decisions on the implementation review process.

5. Section II describes the methodology followed and explains the content of the various sections contained in this note.

6. Section III of this document provides background information on procedures and institutional mechanisms to review the implementation of the Convention, which have taken shape through various decisions of the Conference of the Parties, written proposals submitted by Parties, and the report of the AHWG to the fifth session of the Conference of the Parties, and other documents produced by the secretariat to this effect.

7. Section IV reproduces proposals and suggestions submitted by Parties and interest groups in accordance with decision 3/COP.4. The texts are reproduced as submitted.

8. Section V contains a synthesis of submissions and highlights the views of Parties on various aspects pertaining to the establishment of a committee to review the implementation of the Convention.

9. Annexed to this document are tentative terms of reference for a committee to review the implementation of the Convention, which contain, *inter alia*, provisions on the composition, mandate, nature, objectives and outcome of the CRIC, based on the written proposals received from Parties, contained in this note, and rules 27 to 33 of the rules of procedure, on subsidiary bodies.

III. BACKGROUND INFORMATION

A. Procedures and institutional mechanisms for regularly reviewing the implementation of the Convention

10. Article 22, paragraph 2 (a), of the Convention states that the Conference of the Parties shall regularly review the implementation of the Convention and the functioning of its institutional arrangements in the light of the experience gained at the national, subregional, regional and international levels, and on the basis of the evolution of scientific and technological knowledge.

11. The Convention, in article 26, paragraph 1, on procedures for communication of information, provides that each Party shall communicate to the Conference of the Parties at its ordinary sessions, through the permanent secretariat, reports on the measures which it has taken for the implementation of the Convention. In paragraphs 2 to 5 of the same article, the different obligations of Parties in reporting to the COP are outlined.

12. With regard to the review of the implementation process, it is important to recall that decision 11/COP.1 outlined the specific objectives of the procedures for the communication of information and review of implementation, which are: (a) to ensure the effective assessment of progress towards achieving the objectives of the Convention and to enable the Conference of the Parties to make appropriate recommendations to further those objectives; (b) to exchange information and data among Parties in order to maximize the benefits of successful measures and initiatives under the Convention; (c) to ensure that the Committee on Science and Technology and the Global Mechanism have access to the information and data necessary to carry out their mandates; and (d) to ensure that information on implementation is in the public domain and available to the international community, particularly intergovernmental and non-governmental organizations, and other interested entities.

13. In the same decision, it was also stated that the review of the implementation shall be based on reports by Parties on the implementation of the Convention, together with advice and information provided by the Committee on Science and Technology (CST) and the Global Mechanism (GM) consistent with their respective mandates and such other reports as the Conference of the Parties may call for. The specific obligations of the Parties are enshrined in paragraphs 3 to 9 (general obligation to report) and 10 to 15 (format and content of reports, language of reports and timetable for submission of reports) on communication of information.

14. The need to establish additional procedures or institutional mechanisms to assist the Conference of the Parties in its task of regularly reviewing the implementation of the Convention was considered at the second session of the COP. By its decision 10/COP.2, the Conference of the Parties decided to transmit for consideration at its third session a draft decision proposed by Indonesia on behalf

of the Group of 77 and China, and invited Parties to make submissions on the review of the implementation of the Convention.

15. At its third session, the Conference of the Parties initiated the review of the implementation of the Convention and considered the reports from affected African country Parties as well as reports from developed country Parties, United Nations agencies and bodies, and international and non-governmental organizations (NGOs). By decision 6/COP.3, an ad hoc working group was established to review and analyze in depth, at the fourth session of the Conference of the Parties, reports submitted at its third and fourth sessions in order to draw conclusions and propose concrete recommendations on further steps in the review of the implementation of the Convention.

B. The Ad Hoc Working Group

16. By its decision 1/COP.4, the Conference of the Parties, recalling article 22, paragraph 2(a), (b) and (c), as well as articles 24 and 26 of the Convention, and decisions 10/COP.1, 10/COP.2 and 6/COP.3, decided that the Ad Hoc Working Group (AHWG) should fulfil its mandate in accordance with the provisions of paragraph 3 of decision 6/COP.3, and should draw up conclusions and propose concrete recommendations for further steps in the implementation of the Convention. The AHWG would review all national reports individually prior to COP 5 and analyze reports by adopting thematic approaches without neglecting other issues contained in the reports.

17. At its first session, the AHWG reviewed the national reports of ten African, six Asian and four Latin American and the Caribbean affected countries, in addition to two Northern Mediterranean countries and one report from Central and Eastern European countries. Regional activities for all annexes were discussed, as well as subregional reports for Africa.

18. Due to the size of the report exercise and the time needed for the review and analysis of the reports, the Parties agreed on an inter-sessional meeting of the AHWG of up to 15 working days, in order to complete the review of reports before COP 5. The AHWG was then reconvened during three weeks from 16 March to 6 April 2001 in Bonn, Germany.

19. The resumed session of the AHWG was attended by representatives of 111 Parties to the Convention. The regional and interest groups as well as five United Nations and international organizations were represented. Representatives of the CST and NGOs also attended the meeting.

20. The AHWG completed the review of reports of affected country Parties from Africa, Asia and Latin America and the Caribbean countries, in addition to those of the Northern Mediterranean and other affected countries. Subregional and regional activities for implementation of the Convention in regions other than Africa were likewise considered. It further heard presentations of the reports of the developed country Parties, the programmes of the United Nations system, multilateral agencies and institutions, as well as other intergovernmental and non-governmental organizations.

21. The AHWG made a number of recommendations, which are contained in its comprehensive report to the fifth session of the Conference of the Parties (ICCD/COP(4)/AHWG/6).

IV. COMPILATION OF SUBMISSIONS[1]

A. Belgium on behalf of the European Union and its Member States

The fourth Conference of the Parties decided (decision 3/COP.4) to invite Parties and other interested institutions to present further proposals and suggestions on concrete recommendations for the review of implementation of the Convention. These proposals and suggestions had to be submitted through the secretariat for consideration at the fifth session of the Conference of the Parties.

The European Union (EU) would like to recommend the following regarding the modalities of the review mechanism:

Introduction

Article 26 of the Convention provides that each Party shall communicate to the Conference of the Parties at its ordinary sessions, through the permanent secretariat of the Convention, reports on measures which it has taken for the implementation of the Convention and that the Conference of the Parties shall determine the timetable for the submission and format of such reports.

Article 22, paragraph 2, of the Convention provides that the Conference of the Parties shall regularly review the implementation of the Convention and the functioning of its institutional arrangements in the light of the experience gained at the national, subregional, regional and international levels and on the basis of the evolution of scientific and technological knowledge. The Conference shall also promote and facilitate the exchange of information on measures adopted by the Parties, determine the form and timetable for transmitting the information to be submitted pursuant to article 26, and review the reports and make recommendations on them.

Purpose of a review mechanism

The EU is of the view that it is indeed desirable to review the implementation of the Convention regularly and that this should be done in a structured, flexible and cost-effective manner. The main aim of this review should be to learn from past experience.

The focus of the review of the implementation of the Convention should be on sharing experiences so that Parties can help each other, in a flexible way, to support the continued efforts to combat desertification and mitigate the effects of drought.

Objectives of the implementation review

The objectives of the implementation review have been discussed and agreed at the first Conference of the Parties (decision 11/COP.1) and remain valid in the continued deliberation of the mechanisms and modalities for the review process. The specific objectives are the following:

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1 Reproduced without formal editing by the UNCCD secretariat.

(a) To ensure the effective assessment of progress towards achieving the objectives of the Convention and to enable the Conference of the Parties to make appropriate recommendations to further those objectives;

(b) To exchange information and data among Parties in order to maximize the benefits of successful measures and initiatives under the Convention;

(c) To ensure that the Committee on Science and Technology and the Global Mechanism have access to the information and data necessary to carry out their mandates;

(d) To ensure that information on implementation is in the public domain and available to the international community, particularly intergovernmental and non-governmental organizations and other interested entities.

In addition, special consideration should be given to synergies at the national level between the UNCCD and other multilateral environmental agreements.

Methodology for the review

Any review of implementation will rely mainly on national reports on the measures taken for implementation of the Convention, in particular the reports on the implementation of the national action programmes (NAPs).

The review should be made regularly and systematically and should make use of the established existing report mechanisms. The evaluation could, preferably, take place every third/fourth year to limit the reporting burden on Parties.

The review process should have a bottom-up approach, where the main focus should be on the regional level. The task of organizing the regional proceedings should preferably be given to existing regional organizations. Further consideration is needed, to decide which regional organizations would be most appropriate.

Possible candidates could include organizations such as the Southern African Development Community (SADC) and the Permanent Interstate Committee for Drought Control in the Sahel (CILSS). The experience from the AHWG clearly shows that it is not sustainable or cost-effective to organize similar events on a regular basis.

The specific expertise on science and technology of the CST and of the Global Mechanism should be used in the review process. The reformed CST and the Global Mechanism should comment upon the results of the reviews made by the regional bodies.

In the case of the CST, the review could identify specific themes that would be appropriate for further deliberation within the context of the reformed CST.

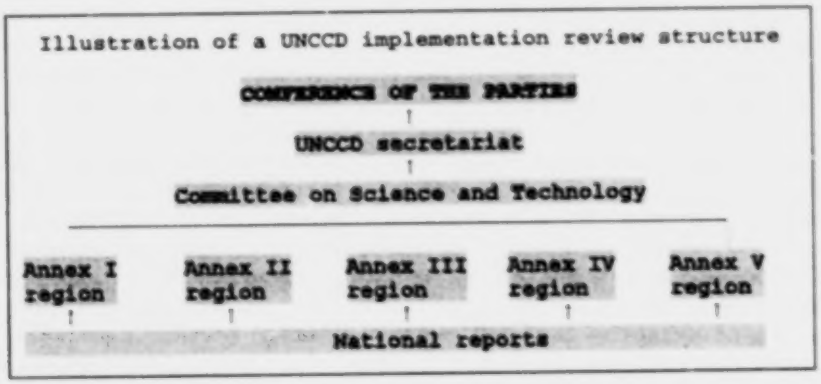
The UNCCD secretariat should, within its general mandate of compiling and transmitting reports submitted to it, compile the results of the regionally reviewed reports and submit these with the comments from the reformed CST and the Global Mechanism to the Conference of the Parties.

The Conference of the Parties is the supreme body of the Convention and as a priority the Conference should regularly review the implementation of the Convention. During the COP the results would be discussed, and when appropriate further recommendations adopted, on the implementation of the Convention. The COP can, within its existing mandate, discuss and draw conclusions on the reports presented by the UNCCD secretariat.

Review structure

The structure for the review mechanism could be illustrated as follows:

Within the mandate of the existing institutions an integrated review mechanism could be established. The suggested review structure has a bottom-up approach, and will be cost-effective by making use of the expertise within the institutions of the Convention. It has an additional element whereby established appropriate regional bodies would do the basic work of evaluating the national information on implementation.



Participation

It is essential that the review process will involve all relevant stakeholders in an open and transparent process.

B. Canada

The following is a Canadian proposal for the enhancement of the implementation review process, which we consider as a fundamental function of the Convention. In our view, implementation review contributes to the effectiveness of the Convention by providing Parties with a learning mechanism through which information exchange can be used to inform national implementation, both in developing and developed countries.

Decision 3/COP.4 invites Parties and other interested institutions to provide "concrete recommendations for the review of the implementation of the Convention, including proposals on procedures and modalities for the establishment of a committee to review the implementation of the Convention (CRIC)". This decision also requires Parties to take into consideration the outcome of the proceedings of the AHWG, which concluded its sessions on 6 April 2001.

Lessons learned from implementation review at COP 3 and COP 4

As a starting point, COP 3 highlighted important challenges and constraints both in the organization of work and in defining a methodology for implementation review, and concluded that there was a need for a dedicated implementation review (IR) mechanism. The AHWG of COP 4 provided us with a unique opportunity to test a set of procedures, based on COP decisions such as 11/COP.1, 6/COP.3 and 1/COP.4, and to explore the role of Convention bodies in implementation review.

Discussions at COP 3 and COP 4 resulted in a growing consensus about the purpose and spirit of the process of IR; it is viewed as a collaborative, flexible, experience-sharing and lessons-learned process, rather than as an assessment of compliance. Its purpose is to enable the Conference of the Parties to contribute advice and recommendations in order to improve national and/or regional implementation. Both at COP 4 and more particularly during the inter-sessional meeting of the AHWG, proceedings demonstrated the need for, and usefulness of, a technically oriented discussion of implementation. In our view, a separation between the processes of negotiation and the review of implementation facilitates the participation of technical experts and focal points - who are directly involved in implementation - and is conducive to more grounded, relevant and fruitful discussions on implementation.

But the AHWG also highlighted some challenges. In proceeding with country-by-country review, trends and themes that were potentially important to all were eclipsed by national details. Although the individual review has provided us with a wealth of pertinent national information, it has impeded us from reaping collective lessons of implementation. In addition, holding regional sessions has hindered cross-fertilization of ideas and innovations between affected regions.

For example, across regions there are many countries which share common ecological features, or that may have had similar implementation experiences. Countries which are less advanced in their national implementation would benefit from synthesized presentations of lessons learned from advanced countries regardless of their regional grouping. However, the regional structure of the AHWG discussions proved a hindrance when attempting to identify these common threads and kindred experiences, and to capture lessons learned.

In conclusion, it is clear that there is a need for systematic implementation review, but further definition of the nature of this process, and of the best tools to reach the objectives of implementation review, is required. This can be solved by refining our expectations of implementation review, by identifying themes around which to cluster our review and by delimiting parameters for efficiency and effectiveness.

Strategic considerations

In the light of past implementation review experience, Canada's understanding is that many Parties have expressed the following expectations:

- The implementation review process should aim to provide information that could inform, as appropriate, other Parties' implementation of the Convention.

- That being said, the IR process should be recognized as a mutually beneficial, voluntary learning process that consequently should not result in prejudice.

- Finally, in accordance with the spirit of the Convention, the implementation review process should be inclusive of all interested participants, including non-governmental and intergovernmental organizations and Convention bodies (GM, CST).

Framing the discussions for efficiency and effectiveness:

- The creation of a distinct body could provide significant added value over the existing COP/COW (Committee of the Whole) process, by creating a dedicated forum in which focused discussion between technical experts and/or focal points can take place.

- A distinct body would provide all parties with an opportunity to discuss and analyze important issues, and to benefit from the presence and contribution of the greatest number of stakeholders, including NGOs, intergovernmental organizations (IGOs) and Convention bodies.

- In our view, a more effective use of time and resources would be achieved by examining information about implementation on a thematic basis, rather than on a national, case-by-case basis.

- Review of implementation need not be structured under the usual regional groupings. While not diminishing the necessity and value of national (and other) reports, presentations could draw from them important lessons on the basis of selected cross-cutting themes and issues.

- The implementation review mechanism should be supported by the circulation in advance of appropriate, timely and adequate information by Parties, as well as some preliminary thematic analysis and/or synthesis, which could be spearheaded by Parties within regional meetings, prior to sessions, or for the preparation of which the COP would have to identify resources.

- A thematic review process could also imply some modifications to reporting standards and guidelines to include selected themes and issues. COP 5 should seek to confirm or refine existing reporting guidelines in order to promote provision of adequate to new IR needs. In addition, the COP may wish to reconsider the rotating schedule of reporting by region.

- Finally, cost-effectiveness will have to be taken into consideration when considering logistical parameters of the reviewing body, such as the frequency, location and length of sessions and bureau meetings.

Modalities for future implementation review

Mandate: The reviewing body's overall mandate would be "to regularly review the implementation of the Convention in the light of the experience gained at the national, subregional, regional and international level, and to facilitate the exchange of information on measures adopted by the Parties pursuant to article 26" (art. 22, para. 2(a) and (b)) in order "to draw conclusions and propose concrete recommendations on further steps in the implementation of the Convention" (decision

6/COP.3). This mandate is not conceived as an assessment of compliance, but rather as the basis for constructive information exchange.

Objectives: As per decision 11/COP.1 (para.2), the objectives of the review process would be:

(a) to ensure an effective assessment of progress towards achieving the objectives of the Convention and to enable the Conference of the Parties to make appropriate recommendations to further those objectives;

(b) to exchange information and data among Parties in order to maximize the benefits of successful measures and initiatives under the Convention [and to identify and address challenges];

(c) to ensure that the Committee on Science and Technology and the Global Mechanism have access to the information and data necessary to carry out their mandates [and can contribute to the discussions];

(d) to ensure that information on implementation is in the public domain and available to the international community, particularly intergovernmental and non-governmental organizations, and other interested entities.

Method for review: Proceedings should be organized according to a thematic (rather than regional) approach , with a view to facilitating informal technical exchange on key issues. Reports submitted by Parties and other institutions as per Article 26 and decision 11/COP.1 will continue to constitute the basis of the implementation review process; however, in order to facilitate focused discussion, the information provided would be synthesized and consolidated according to selected themes. Review of reports from the secretariat, the CST and the GM, however, would remain under the COP/COW's responsibility. However, these bodies (or representatives thereof in the case of the CST) are strongly encouraged to participate in and contribute to the discussions (as per decision 1/COP.4).

Outcome: The outcome of the review process would be a comprehensive report, much like the AHWG's Co-Chairmen's report, highlighting key achievements and challenges, and including recommendations for enhancing implementation. This report, along with other analytical work on implementation, would be transmitted to the COP for approval.

Entity: In our view, considerations relating to the effectiveness of the mandate, objective and methodology of the review process have precedence over structural or institutional issues. That being said, Canada would be open to exploring the creation of a distinct body for implementation review under articles 22 and 26.

Participation: Participation in this body would be open to all, including representatives of non-governmental and intergovernmental organizations, the bureau of the CST and the Global Mechanism.

Rules of procedures: The review body would be subject to the same rules of procedures as the COP for election, membership and decision-making purposes. In addition, Parties could elect a bureau using the same procedures as the COP (decision 1/COP.1) or the AHWG (decision 1/COP.4), and its chairperson(s) would then become an additional members of the COP bureau.

Organization of work: Considerations of cost-effectiveness should be given due attention when arranging sessions of the review body, as well as opportunities and constraints in linking its work with other Convention processes, such as meetings of the CST, and in maximizing participation by the greatest number of stakeholders. Special attention should be directed to addressing the issue of continuity of the work of the UNCCD once the COPs begin to meet biennially.

C. Iran (Islamic Republic of) on behalf of the Group of 77 and China

INTRODUCTION

1. By its decision 3/COP.4, operative paragraph 7, the Conference of the Parties "decides that further proposals and suggestions of Parties and other interested institutions, having taken into account the experience and comprehensive report of the Ad Hoc Working Group (AHWG), on concrete recommendations for the review of implementation of the Convention, including proposals on procedures and modalities for the establishment of a committee to review the implementation of the Convention (CRIC), be submitted through the secretariat for consideration at the fifth session of the Conference of the Parties".

2. In addition, in operative paragraph 8 of the same decision, the Conference of the Parties "requests the Executive Secretary of the Convention to circulate the comprehensive report of the Ad Hoc Working Group and those proposals at least eight weeks prior to the fifth session of the Conference of the Parties".

3. In the framework of the application of those provisions, the Group of 77 and China would like to present their proposals and suggestions in two parts:

I. Recommendations for the review of the implementation of the Convention;

II. Proposals on procedures and modalities for the establishment of a committee to review the implementation of the Convention (CRIC).

PART I: RECOMMENDATIONS FOR THE REVIEW OF THE IMPLEMENTATION OF THE CONVENTION

4. The Group would like to recall, as contained in its contribution of April 2000, the objectives of the review of the implementation of the Convention as follows:

(a) Analyze in-depth reports submitted by Parties as well as by relevant organs, funds and programmes of the United Nations system and other intergovernmental and non-governmental organizations in order to draw conclusions and propose concrete recommendations on further steps in the implementation of the Convention;

(b) Closely look at the reasons why implementation is lagging behind, despite the numerous and strong commitments made by the international community on desertification, drought and land degradation issues;

(c) Identify obstacles and difficulties in implementing the Convention;

(d) Suggest a clear direction, based on lessons learned;

(e) Get a clear picture of success factors and develop guidelines for the future;

(f) Promote experience sharing and information exchange among country Parties and all other interested institutions and organizations;

(g) Encourage learning on a broad range of substantive and emerging issues, including best practices;

(h) Focus on agreeing benchmarks and indicators for the future. Concrete targets and agreements on their monitoring can help create the necessary pressure to bring about change;

(i) Provide an assessment of the financial resources and other supports received by affected developing countries towards the achievement of the objectives of the Convention; and

(j) Inform the donors and the international community about the use of resources and other supports provided to affected developing countries to implement the Convention.

5. In this context, and taking into account discussions and debates on the issue from the first to the fourth sessions, the review of the implementation of the Convention should be a permanent and an integral part of the task of the Conference of the Parties in order regularly to assess:

(a) Progress made by affected country Parties;

(b) Support provided by bilateral and multilateral development partners;

(c) Efficiency and effectiveness of policies and strategies envisaged for the implementation of the Convention.

6. This would mean that the review, among other things, should contribute to:

(a) Facilitating exchange of information on best practices and lessons learned in implementing the Convention;

(b) Identifying new challenges and opportunities in the light of developments in the implementation of the Convention;

(c) Adjusting or better classifying priority themes and issues set out particularly in national action programmes, with a view to streamlining and focusing on activities and projects that meet the needs of people living in affected areas and enhancing measures to combat desertification and/or mitigate the effects of drought.

7. During previous sessions of the COP, all Parties made several proposals, suggestions and concrete recommendations for the review of the implementation of the Convention. However, in the light of the experience and comprehensive report of the Ad Hoc Working Group (AHWG), the G77 and China would like to make the following recommendations:

(a) Participation in the review process of the implementation of the Convention should involve all country Parties and other relevant actors, including interested institutions, organizations, bodies and NGOs;

(b) All Parties, including developed country Parties, shall submit their national reports to the Conference of the Parties for the review purpose, in accordance with the provisions of the Convention;

(c) Each affected developing country Party shall, individually, present the summary of its national report during the review process by the appropriate body or mechanism designated for this purpose;

(d) Review of reports submitted by developed country Parties and those from institutions and organizations should be done parallel to the review of national reports of affected developing country Parties because they shall indicate in their presentation financial resources and other supports provided by bilateral and multilateral development partners;

(e) Review of reports relating to the implementation of subregional and regional action programmes should follow the same procedure but should focus on themes where subregional and regional activities and projects have a comparative advantage over national action programmes;

(f) Consideration of reports submitted by NGOs should be done per subregion, region or network, depending on the number of reports received before the deadline. At national level, NGOs should be invited to contribute to the preparation of the reports of their respective countries;

(g) Review of reports should include the use of pertinent, quantifiable and readily verifiable indicators and benchmarks, as well as those relating to measuring the participation of local populations, communities and major groups, particularly women, youth and NGOs;

(h) Review of reports should contribute to finding effective ways and means to facilitate the transfer of technology to affected developing country Parties, and to improve coordination among all actors;

(i) The review process should allow the secretariat easily to elaborate a comparative document among regions on the progress made by affected country Parties in the implementation of the Convention, in particular affected developing countries;

(j) In accordance with their respective mandates, the Committee on Science and Technology (CST) and the Global Mechanism (GM), before each session of the review, should provide written advice and information to be used for the review of the implementation of the Convention, including for the GM the role it plays in effectively promoting actions leading to the mobilization and channelling of substantial resources, including the transfer of technology.

PART II: PROCEDURES AND MODALITIES FOR THE ESTABLISHMENT OF A CRIC

(a) Procedures

8. The procedures to apply for the establishment of a CRIC should be in conformity with the provisions of the Convention and the rules of procedure of the Conference of the Parties. In this regard, the following provisions of the Convention are important, notably article 22 paragraph 2 (a), (c) and (d):

"The Conference of the Parties is the supreme body of the Convention. It shall make, within its mandate, the decisions necessary to promote its effective implementation. In particular, it shall:

(a) Regularly review the implementation of the Convention and the functioning of its institutional arrangements in the light of the experience gained at the national, subregional, regional and international levels and on the basis of the evolution of scientific and technological knowledge;

(b) Establish such subsidiary bodies as are deemed necessary for the implementation of the Convention;

(c) Review reports submitted by its subsidiary bodies and provide guidance to them."

9. In this regard, legally speaking, the Conference of the Parties shall establish a committee to review the implementation of the Convention, as one of its subsidiary bodies.

10. The rules of procedure for meetings of the Conference of the Parties to the UNCCD shall apply mutatis mutandis to the proceedings of the CRIC. Therefore, the rule on credentials will not apply.

11. The official and working languages of the CRIC will be those of the United Nations. The proceedings of the CRIC will be carried out in the working languages of the Conference of the Parties.

12. In order to involve all Parties in the work of the CRIC and to facilitate rotation among the five regional Groups, the terms of office of members of its bureau will be two years. The five members of the bureau of the CRIC will take office at the meeting at which they are elected. However, the Chairman of the CRIC shall be elected at a plenary meeting of the Conference of the Parties. He/she shall take office at the first meeting of the CRIC during which the four other members of the bureau are elected.

13. As a general rule, the chairmanship of the CRIC shall rotate among the United Nations five regional Groups. Candidates for the chairmanship of the CRIC should be experienced in the process of the UNCCD. The Chairman of the CRIC should be a member of the Bureau of the Conference of the Parties.

(b) Modalities

14. The fifth session of the Conference of the Parties shall adopt a decision establishing the committee to review the implementation of the Convention (CRIC), as a subsidiary body under the guidance and authority of the Conference of the Parties. By adopting such a decision on the establishment of a CRIC, the COP will no longer use the Committee of the Whole (COW), which is an ad hoc body.

15. In this regard, the CRIC shall meet:

- during the meetings of the Conference of the Parties; and
- between two sessions of the Conference of the Parties.

16. During the meetings of the Conference of the Parties, the CRIC shall fulfil the current mandate and functions of the Committee of the Whole (COW).

17. Between two sessions of the Conference of the Parties, the CRIC shall review and analyse in depth the reports submitted by Parties, institutions and non-governmental organizations. The CRIC should draw conclusions, and propose concrete recommendations on further steps in the implementation of the Convention at all levels, as done by the Ad Hoc Working Group (AHWG).

18. Each meeting of the CRIC held between two sessions of the COP shall submit a comprehensive report to the Conference of the Parties, in light of the programme of work, conclusions and recommendations, as well as draft decisions for consideration and adoption by plenary meetings of the COP.

(c) Conclusions

19. The review of the implementation of the Convention should be seen as a formal, inclusive and transparent exercise with the participation of all Parties, non-State actors and observers, including NGOs, specialized institutions, United Nations and international organizations.

20. The Committee to be established, in fulfilling its mandate, will assist the Conference of the Parties in reviewing and assessing progress made in the implementation of the Convention, among other things through the analysis of relevant inputs from Parties and other actors. The CRIC will also identify emerging issues, trends and new approaches to issues affecting the implementation of the Convention. Furthermore, the CRIC will identify areas where coordination needs to be improved and modalities for achieving this.

21. Finally, and pursuant to the Declaration on the commitments to enhance the implementation of the Convention, the establishment of the CRIC will provide opportunities for Parties and other actors to engage in a fruitful dialogue among themselves for the well-being of people living in affected areas, notably those in developing countries. Therefore, the CRIC will contribute to achieving the objectives of the Convention, which are mainly combating desertification and/or mitigating the effects of drought worldwide. The reports of the CRIC would also serve as important tools, which will facilitate the integration of the implementation of the Convention into the development strategies and other relevant policy areas.

D. United States of America

Recommendations on procedures to review NAPs, SRAPs, and RAPs within the CRIC.

Constraints to current review system and regional approaches:

Country reviews take too much time to permit a full review of all reports at any single COP. Breakdown of the review schedule into regional groupings excludes full participation of the Parties and relevant organizations in any single review. In addition, review and discussion within a particular region limits lessons learned and cross-fertilization of ideas between regions.

Proposed changes to review procedures:

Reports should be reviewed according to thematic categories in order to increase sharing of lessons learned and cross-fertilization of ideas across regions. A potential breakdown of thematic categories includes:

- Stages of implementation - formulation of NAPs, implementation of NAPs, developed countries.

- Implementation issues - institutional development, participation, synergies between conventions, resource mobilization (national desertification funds).

- Similarity of environmental issues addressed by implementing Parties - small island states, temperate ecosystems, tropical ecosystems, desertification prevention, rehabilitation of degraded lands, etc.

It is proposed that the review of NAPs, SRAPs, and RAPs take place during one week of the Conference of the Parties and one week in the interim year between COPs. The review body should consist of Party representatives, representatives of the GM, the CST, United Nations organizations, and interested NGOs and CBOs.

Schedule of 15-minute presentations with a 45-minute discussion period in both the morning and afternoon sessions. Potential for 90 presentations in a one-week session (180 presentations per COP cycle - 90 during a COP and 90 inter-sessional).

Illustrative schedule for review:
Similarity of environmental issues addressed by implementing Parties

Day 1 - Morning and afternoon - desertification prevention
Day 2 - Morning and afternoon - rehabilitation of degraded lands
Day 3 - Morning - continuation of rehabilitation of degraded lands
Afternoon - tropical ecosystems
Day 4 - Morning - continuation of tropical ecosystems
Afternoon - temperate ecosystems
Day 5 - Morning - continuation of temperate ecosystems
Afternoon - small island States

Method of review:

Reviews would proceed theme by theme (i.e. participation, institutional arrangements, resource mobilization, etc.). Each country wishing to participate would choose a category(ies) under which they would present lessons learned for discussion (to be provided beforehand?). Within a given theme, sessions should consist of several presentations of lessons learned followed by a group discussion. Parties should be encouraged to present both positive and negative lessons learned. Lessons would be summarized by theme.

In-depth country NAPs, and SRAP reviews should take place at relevant subregional meetings. This type of review permits lessons learned and information sharing on a subregional basis.

V. SUMMARY AND ANALYSIS OF SUBMISSIONS

A. Foreword

22. It was acknowledged that the process of review and analysis by the AHWG of reports submitted at the third and fourth sessions of the Conference of the Parties, provided a unique opportunity for an in-depth analysis of individual national reports.

23. Challenges as well as obstacles stemming from this review exercise were also highlighted. In the view of one Party, a country-by-country review tended to eclipse, by national specificities, potentially important trends and themes. Although the individual review of reports undertaken at the AHWG provided a wealth of pertinent national information, some Parties believed it could hamper the process of obtaining collective lessons about implementation. In addition, in the view of the same Party, holding regional sessions hindered cross-fertilization of ideas and innovations between affected regions.

24. Some submissions stressed the need to separate the implementation review process from the negotiation process, and the role of the Committee of the Whole in this context was questioned. However, most of the submissions recognized the need to establish a subsidiary body to ensure an effective review of the implementation of the Convention. On the other hand, one written proposal presented the view that an integration review mechanism could be established within the mandate of the existing institutions of the Convention.

25. Other submissions indicated that the effectiveness of the existing report mechanism could be improved by:

(a) Redefining the reporting guidelines (as per decision 11/COP.1) so that they will be adequate for the new implementation review mechanism;

(b) Conducting preliminary thematic analysis and/or synthesis to be spearheaded by Parties within regional meetings and/or subregional organizations;

(c) Reconsidering the rotating schedule of reporting by regions and/or limiting the reporting obligation to Parties by undertaking a complete evaluation every three or four years.

26. The links between the review process and the declaration of commitments to enhance the implementation of the Convention were also stressed in another submission.

27. All written proposals support the enhancement, continuity and improvement of the implementation review process of the Convention. Comments and deliberations focus subsequently on the modalities and structure of this process in order best to ensure its efficient performance.

28. There is some degree of convergence on the scope, mandate, objectives and functions of a committee to review the implementation of the Convention. Other issues may emerge during the discussions, for example in areas where Parties have not yet expressed any views.

B. Summary of written proposals received from country Parties

1. Principles governing the review of the implementation of the Convention

29. As recalled in most submissions, the guiding principles towards achieving the objectives of the UNCCD are enumerated in article 3 of the Convention. These principles chiefly concern ensuring that participation of populations and local communities in decisions regarding the design and implementation of programmes to combat desertification and drought, to improve cooperation and coordination at subregional, regional and international levels, to develop a better understanding of the nature and value of land and scarce water resources in affected areas, and to work towards their sustainable use, taking fully into consideration the special needs and circumstances of affected developing country Parties, and particularly the least developed among them.

30. In the opinion of one Party, the review of the implementation of the Convention should be a permanent and an integral part of the task of the Conference of the Parties, in order regularly to assess:

(a) The progress made by affected developing country Parties;

(b) The support provided by bilateral and multilateral development partners;

(c) The efficiency and effectiveness of policies and strategies envisaged for implementation of the Convention.

31. In general, Parties consider the enhancement of the implementation review process of the Convention to be a fundamental function of the Convention. There is broad agreement that this process should be conducted as a collaborative, flexible, experience-sharing and lessons-learnt process, rather than an assessment of compliance. Its aim is to enable the Conference of the Parties to provide advice and recommendations in order to improve implementation of the Convention at all levels. One Party, speaking on behalf of its group, proposes a decentralized regional review process. Others favour a unified review.

2. Mandate of the Committee to Review the Implementation of the Convention (CRIC)

32. As recalled in various submissions, the overall mandate of the CRIC would be to assist the Conference of the Parties to review the implementation of the Convention regularly, in the light of experience gained at the national, subregional, regional and international levels, and to facilitate the exchange of information on measures adopted by the Parties in order to draw conclusions and propose concrete recommendations on further steps to be taken in the implementation of the Convention.

3. Objectives

33. There is broad consensus that the objectives of the implementation review process for a CRIC should be in line with the goals stated in decision 11/COP.1 on procedures for communication of information and review of implementation. That is (a) to ensure an effective assessment of progress towards achieving the objectives of the Convention and to enable the Conference of the Parties to make appropriate recommendations to further those objectives; (b) to exchange information and data among Parties in order to maximize the benefits of successful measures and initiatives under the Convention and to identify and address challenges; (c) to ensure that the CST and the GM have access to the information and data necessary to carry out their mandates [and can contribute to the discussions]; and (d) to ensure that information on implementation is in the public domain and available to the international community, particularly intergovernmental and non-governmental organizations and other interested entities.

4. Composition

34. There is general agreement that participation in the review process on the implementation of the Convention should involve all country Parties and all other actors in the process, notably interested institutions, organizations, bodies, including the CST, the GM, NGOs and community-based organizations (CBOs).

35. Although cost-effectiveness has been repeatedly recommended in many submissions, no indications have been provided about the implications of limiting the number of representatives from country Parties at the meetings of the CRIC.

36. One comment shows a preference for a CRIC bureau composed of five members who represent regional groups and are experienced in the process of the UNCCD and the implementation review process. In order to involve all Parties in the work of the CRIC and to facilitate rotation among regional groups, the members of the CRIC bureau would serve a two-year term. The five members of the bureau of the CRIC would take office at the meeting at which they were elected. However, the Chairman of the CRIC would be elected at a plenary meeting of the Conference of the Parties.

5. Criteria and methodology for conducting the review

37. As noted in most submissions, the workings of a CRIC should be organized according to a thematic (rather than regional) approach, with a view to facilitating informal technical exchange on key issues. Another Party believes that country reviews take too much time to permit a full review of all reports. Therefore, the breakdown of review by regional groupings excludes full participation of the Parties and relevant organizations in any single review and/or meeting.

38. National reports submitted by Parties and reports by relevant institutions would continue to constitute the basis of the implementation review process. However, in order to facilitate discussions, the information provided would be synthesized and consolidated according to selected themes.

39. Another contribution proposes that an in-depth review of country national action programmes, and subregional action programme reviews, should take place at relevant subregional meetings. This type of review would allow sharing of information and lesso.s learned on a subregional basis.

40. Some submissions recommended the use of pertinent, quantifiable and readily verifiable benchmarks and indicators in reviewing national reports. All submissions recognized the role of the CST and the GM in the review process. One Party called for information from the CST and the GM to be received on a written basis before each session of the CRIC. However, no detailed procedures were suggested for this option.

6. Frequency of meetings

41. A number of Parties believe that meetings or sessions of a subsidiary body for implementation should be organized in parallel with the ordinary sessions of the Conference of the Parties. Due to the quantity of reports for review at COP meetings, others propose inter-sessional meetings so that questions on implementation can be discussed in a more efficient manner and more extensively.

42. One Party proposed a tentative programme of work divided into themes, that is, desertification prevention, rehabilitation of degraded lands, tropical ecosystems, temperate ecosystems and small island States.

7. Outcome

43. There is broad agreement that the outcome of the review process would be a comprehensive report along the lines of the AHWG report. It would highlight key achievements and challenges, including recommendations for enhancing implementation. This report, along with other analytical work on implementation, would be transmitted to the COP for approval.

8. Financial implications

44. Some submissions show preference for a cost-effective body for implementation, particularly when considering the logistical parameters of the body, such as frequency of meetings, and location and length of sessions and bureau meetings. Consequently, and as recalled by one submission, the establishment of a formal additional subsidiary body would have some financial implications, as it necessitates a functioning bureau.

9. Role of the secretariat

45. Parties affirm that the secretariat should, within its general mandate, compile and transmit reports submitted to it, compile the results of the regionally reviewed reports, and submit these with the comments from the CST and the GM to the COP.

46. In addition to the tasks defined in decision 11/COP.1, the secretariat would also undertake some preliminary analysis of reports submitted to the COP and propose working documents to be used as a basis for discussion. This document might provide a framework for regional and subregional analysis and the identification of the prominent themes and/or sectoral issues, as well as a lessons-learned section for review.

Annex

DRAFT TERMS OF REFERENCE FOR A COMMITTEE TO REVIEW THE IMPLEMENTATION OF THE CONVENTION (CRIC)

A. Establishment

1. Pursuant to article 22, paragraph 2 (a), (c) and (d) of the Convention, a committee to review the implementation of the Convention (CRIC) is hereby established as a standing subsidiary body of the Conference of the Parties to assist it in regularly reviewing the implementation of the Convention.

B. Mandate and functions

2. The Committee shall assist the Conference of the Parties in regularly reviewing the implementation of the Convention, in the light of the experience gained at the national, subregional, regional and international levels, ans shall facilitate the exchange of information on measures adopted by the parties pursuant to article 26 of the Convention, in order to draw conclusions and propose concrete recommendations on further steps in the implementation of the Convention. Particularly, it shall:

(a) Analyse in-depth reports submitted to the Conference of the Parties and information provided by the Committee on Science and Technology and the Global Mechanism consistent with their respective mandates in order to draw conclusions and propose concrete recommendations on further steps in the implementation of the Convention;

(b) Address problems stemming from poor implementation of agreed measures;

(c) Identify any need for adjustments to action programmes, projects and activities;

(d) Contribute to maintain an institutional record of emerging and difficult issues deriving from implementation;

(e) Provide an assessment of the financial resources and other support received by affected developing countries towards the achievement of the objectives of the Convention;

(f) Inform donors and the international community about the use of resources and other support provided to affected developing countries for implementation of the Convention;

(g) Recommend ways and means of improving procedures for communication of information and the quality of reports submitted to the Conference of the Parties;

(h) Propose comprehensive procedures and mechanisms for achieving full and effective implementation of the Convention.

C. Composition

3. The Committee shall be composed of:

(a) Representatives of those affected country Parties reporting to the session of the Conference of the Parties;

(b) Representatives of developed country Parties;

(c) Designated representatives from regional and interested groups;

(d) The Chairperson of the Committee on Science and Technology;

(e) A representative of the Global Mechanism.

4. Any other body or agency, whether national or international, governmental or non-governmental, which wishes to be represented at a meeting of the Committee as an observer may be admitted unless one third of the Parties present at the session object.

5. The Committee shall elect its own four Vice-Chairpersons, of whom one shall act as Rapporteur. Together with the Chairperson, elected by the Conference of the Parties in accordance with rule 31 of the rules of procedure, they shall constitute the Bureau. The Chairperson and the Vice-Chairpersons shall be elected with due regard to the need to ensure equitable geographical distribution and adequate representation of affected country Parties, particularly those in Africa, and shall not serve for more than two consecutive terms. One of the Vice-Chairperson shall be the Chairperson of the Committee on Science and Technology. The Chairperson of the CRIC shall be a member of the Bureau of the Conference of the Parties.

6. The Bureau of the Committee shall be responsible for following up the work of the Committee between meetings.

D. Frequency of meetings and organization of work

7. Meetings of the Committee shall be held in conjunction with and between the ordinary sessions of the Conference of the Parties. Extraordinary meetings of the Committee shall be held at such times as may be decided by the Conference of the Parties.

8. Meetings of the Committee shall be public, unless the Committee decides otherwise.

9. The programme of work of the Committee, which should include estimates regarding financial implications, shall be approved by the Conference of the Parties. At the beginning of each of its sessions, the Committee shall adopt its agenda and the organization of work for the session.

10. The provisional agenda shall include, as appropriate:

(a) A review of the reports from Parties and observers pursuant to decision 11/COP.1, paragraphs 3, 4, 5, 6, 7 and 9;

(b) A review of information from the Committee on Science and Technology and the Global Mechanism pursuant to decision 11/COP.1, paragraphs 18 and 19;

(c) Any other item pertaining to the review of the implementation of the Convention.

E. Nature of the review process and methodology

11. The review operated by the Committee shall be an open, formal, inclusive, flexible and transparent process. It shall be an experience-sharing and lessons-learning exercise to improve implementation of the Convention, and not a compliance system.

12. The Committee shall examine reports submitted by Parties as well as by relevant organs, funds and programmes of the United Nations system and other intergovernmental and non-governmental organizations and such other reports as the Conference of the Parties may call for.

13. The review shall be conducted geographically (by regions and subregions) and thematically (key themes and measures identified in the Convention), unless otherwise decided by the Conference of the Parties. The Committee may consider using implementation indicators as outlined, *inter alia*, in documents ICCD/COP(2)/CST/3 and A/AC.241/INF.4.

F. Outcome

14. The Committee shall report regularly to the Conference of the Parties on its work, including at each of its ordinary sessions.

15. The report by the Committee shall constitute the basis of the review of implementation by the Conference of the Parties.

G. Transparency of work

16. The results of the work of the Committee shall be in the public domain.

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